



Costs Decision

Site visit made on 22 October 2025

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2025

Costs application in relation to Appeal Ref: APP/V5570/W/25/3370430 Commercial Unit, 45 Essex Road, London N1 2SF

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Anthony Solomou (Dawnelia Properties) for a full award of costs against the Council of the London Borough of Islington.
 - The appeal was against the refusal of planning permission for the change of use from bar (sui generis) to commercial use (Use Class E).
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Unreasonable behaviour in the context of an application for an award of costs may be either procedural, relating to the process; or substantive, relating to the issues arising from the merits of the appeal.
4. The claim made by the applicant is that the Council has failed to produce any evidence in support of its assertion that the appeal premises is a “valued cultural venue.” The Council maintains that its actions relating to the refusal of the application and during the appeal were procedurally and substantively justified.
5. As can be seen from my decision, the descriptions of a cultural venue are not closed list. There is an element of planning judgment, and on the basis of the evidence before me, I agreed the premises represented a cultural use.
6. I have considered the officer report which led to the refusal of planning permission and it is clear that the Council has substantiated its position during the application and appeal. A consultation response was obtained from the Planning Policy Section, and the officer report identified the clustering of venues was important for the night time economy, and that the night time economy has been identified as important to the area's cultural function. Given it has not disputed that the Angel's night time economy is recognised as being of regional or sub-regional importance, the Council were not unreasonable in coming to the view that it was a valued cultural venue.
7. In terms of its refusal of planning permission the Council did not fail to produce evidence to substantiate its refusal and did not provide vague or inaccurate

assertions about a proposals impact unsupported by objective analysis given that the above characteristic of the area within which the appeal premises is located are element clearly identified within the adopted Islington Local Plan Strategic and Development Management Policies document, September 2023 and The London Plan, 2021.

8. Furthermore, the Polices seeking to resist the loss of these facilities together does not require them to be identified as valued. As such the proposal failed to demonstrate the loss of the bar was justified, and an appeal could not have been avoided.
9. In this case, I do not find that the evidence indicates that the LPA has behaved unreasonably in procedural or substantive terms leading to unnecessary or wasted expense in the appeal process.

Overall Conclusion

10. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

K Williams

INSPECTOR